

# SENATE BILL 82

I4

11r0060

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By: **Chair, Finance Committee (By Request – Departmental – Comptroller)**

Introduced and read first time: January 20, 2011

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 8, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and**  
3 **Penalties**

4 FOR the purpose of prohibiting certain persons from purchasing, selling, reselling,  
5 distributing, dispensing, or giving away to any person in the State certain  
6 unpackaged cigarettes; establishing certain penalties for a violation of certain  
7 provisions of this Act; providing for the application of certain provisions of this  
8 Act; defining a certain term; and generally relating to the regulation of  
9 unpackaged cigarettes.

10 BY repealing and reenacting, with amendments,  
11 Article – Commercial Law  
12 Section 11–5A–01 and 11–5A–02 to be under the amended subtitle “Subtitle 5A.  
13 Sales of Unpackaged Cigarettes”  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Commercial Law  
18 Section 11–5A–03  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2010 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Commercial Law**

2 Subtitle 5A. [Cigarette] Sales of [Less Than 20 Per Package] **UNPACKAGED**  
3 **CIGARETTES.**

4 11-5A-01.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Retailer” has the meaning stated in § 11-501(i) of this title.

7 (c) “Sell” has the meaning stated in § 11-501(j) of this title.

8 **(D) “UNPACKAGED CIGARETTE” MEANS ANY CIGARETTE NOT**  
9 **CONTAINED IN A SEALED PACKAGE OF 20 OR MORE CIGARETTES.**

10 ~~[(d)]~~ **(E)** “Vending machine operator” has the meaning stated in § 11-501(k)  
11 of this title.

12 ~~[(e)]~~ **(F)** “Wholesaler” has the meaning stated in § 11-501(m) of this title.

13 11-5A-02.

14 **(A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO PRODUCES**  
15 **UNPACKED CIGARETTES FOR THE INDIVIDUAL’S CONSUMPTION BY USING:**

16 **(1) A MECHANICAL ROLLING MACHINE; OR**

17 **(2) A HAND ROLLING DEVICE OR PROCEDURE.**

18 ~~(B)~~ **(B)** Notwithstanding any other provision of law, a retailer or vending  
19 machine operator may not purchase from a tobacco product manufacturer or sell,  
20 resell, distribute, dispense, or give away to any person [a package of cigarettes  
21 containing less than 20 cigarettes] **AN UNPACKAGED CIGARETTE.**

22 ~~(C)~~ **(C)** Notwithstanding any other provision of law, a wholesaler may not  
23 sell, resell, distribute, dispense, or give away to any person in this State [a package of  
24 cigarettes containing less than 20 cigarettes] **AN UNPACKAGED CIGARETTE.**

25 ~~(D)~~ **(D)** **IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, A**  
26 **PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**  
27 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT**  
28 **NOT EXCEEDING 3 MONTHS OR BOTH.**

29 11-5A-03.

1 (a) The State Comptroller shall enforce this subtitle.

2 (b) The State Comptroller shall:

3 (1) Employ and determine the duties and compensation of the  
4 inspectors and other personnel necessary to enforce this subtitle; and

5 (2) Adopt reasonable regulations necessary to effectuate and enforce  
6 the provisions of this subtitle.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.